



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)

APPLICATION FOR CERTIFICATION  
FOR THE *HYDROGEN ENERGY*  
*CALIFORNIA PROJECT*

DOCKET No. 08-AFC-8

**COMMITTEE ORDER GRANTING PETITION TO INTERVENE**

Upon consideration of the Petition to Intervene filed by Petitioner Kern-Kaweah Chapter of the Sierra Club, the Committee designated to conduct proceedings in this matter makes the following findings:

1. On March 3, 2010, a Petition to Intervene in the above-captioned proceeding was filed by:

**Kern-Kaweah Chapter of the Sierra Club**  
**Babak Naficy**  
**Law Offices of Babak Naficy**  
**1504 Marsh Street**  
**San Luis Obispo, California 93401**  
**Tel: (805) 593-0926**  
**Fax: (805) 593-0946**  
[babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net)

2. The Petition was timely filed and contains the information required by section 1207 of the Commission's regulations (Cal. Code Regs., tit. 20, § 1207);
3. The Applicant has filed no opposition to said Petition; and
4. Petitioner's interests are relevant to this proceeding.

**THEREFORE**, the Committee **Orders** that the Petition to Intervene in this matter be **GRANTED** and that Petitioner be placed upon the Proof of Service List as an Intervenor. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in Section 1712 of the Commission's regulations. (Cal. Code Regs., tit. 20, § 1712.)

The Energy Commission welcomes and values intervenor participation in its energy facility siting process. A link to the Commission's regulations is posted on the Hydrogen Energy California Project website page at [www.energy.ca.gov/sitingcases/hydrogen\\_energy/index.html](http://www.energy.ca.gov/sitingcases/hydrogen_energy/index.html).

As an intervenor, Petitioner is required to file and serve documents on other parties and to follow the Commission's procedures and orders regarding presenting witnesses and evidence.

Petitioner is further required to review the rules regarding filings, the rules of evidence that apply at the evidentiary hearings, the rules prohibiting off the record contacts with Commissioners or the Hearing Adviser about the merits of a project, and the rules about filing data requests. (Cal. Code Regs., tit. 20, §1001 through 1217, 1712 et seq.)

**PETITIONER'S FAILURE TO FULFILL THESE RESPONSIBILITIES MAY RESULT IN THE COMMITTEE LIMITING OR PRECLUDING PETITIONER'S PARTICIPATION IN THE PROCEEDINGS.**

The Application for Certification in this matter was deemed data adequate on August 26, 2009. Under the Commission's regulations, the final day for submission of data requests in this matter was February 22, 2010. (Cal. Code Regs., tit. 20, § 1716.)

If Petitioner needs any help with participating in the siting process, contact the Energy Commission's Public Adviser's Office at (916) 654-4489 or 800-822-6228, or e-mail: **[publicadviser@energy.state.ca.us]**.

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Adviser, at (916) 651-2020, or e-mail: **[rrenaud@energy.state.ca.us]**.

The Executive Director or her designee shall ensure that Petitioner is immediately provided with a copy of the Application for Certification.

Dated: April 8, 2010 at Sacramento, California.

Original signed by:

JAMES D. BOYD  
Vice Chair and Presiding Member  
Hydrogen Energy California AFC Committee

Original signed by:

JEFFREY D. BYRON  
Commissioner and Associate Member  
Hydrogen Energy California AFC Committee



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Docket No. 08-AFC-8

**PROOF OF SERVICE LIST**  
(Rev. 4/8/10)

**APPLICANT**

Gregory D. Skannal  
Tiffany Rau  
Rick Harrison  
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**APPLICANT'S CONSULTANT**

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Energy Services Manager  
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**COUNSEL FOR APPLICANT**

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Costa Mesa, CA 92626-1925  
[michael.carroll@lw.com](mailto:michael.carroll@lw.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

Tom Frantz  
Association of Irrigated Residents  
30100 Orange Street  
Shafter, CA 93263  
[tfrantz@bak.rr.com](mailto:tfrantz@bak.rr.com)

\*Kern-Kaweah Chapter  
of the Sierra Club  
Babak Naficy  
Law Offices of Babak Naficy  
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San Luis Obispo, California 93401  
[babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net)

**ENERGY COMMISSION**

JAMES D. BOYD  
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Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

### DECLARATION OF SERVICE

I, Maggie Read, declare that on, April 8, 2010, I served and filed copies of the Order Granting Petition to Intervene and revised Proof of Service list, dated April 8, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [\[www.energy.ca.gov/sitingcases/hydrogen\\_energy\]](http://www.energy.ca.gov/sitingcases/hydrogen_energy).

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

*(Check all that Apply)*

#### FOR SERVICE TO ALL OTHER PARTIES:

- ☒ sent electronically to all email addresses on the Proof of Service list;  
☐ by personal delivery;  
☒ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

**AND**

#### FOR FILING WITH THE ENERGY COMMISSION:

- ☒ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

**OR**

- ☐ depositing in the mail an original and 12 paper copies, as follows:

#### **CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 08-AFC-8  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

*Original signed by:* \_\_\_\_\_  
**Maggie Read**  
**Hearing Adviser's Office**